

Calendar date of 06/17/10

All corrections to notes on this calendar should be filed by 06/10/10. Documents filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **PROBATE**

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0600226

CASE NAME: ESTATE OF MANUELA GLORIA PEREZ

SEE ALSO 2

HEARING:
Accounting Review

COUNSEL:
SOCRATES SANTANA (PET)...GEORGETTA H.R. RAINEY
MANUELA GLORIA PEREZ (DEC)...
JOHN T BACHMAYER (OBJ)...JOHN T BACHMAYER

GENERAL INFORMATION
Continued from 4/27/10. No appearance.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 3/22/07, reduced bond of \$86,000.
2. First account approved 8/20/09.
3. No accounting or status report of administration filed. However, see matter 2 re contested petition for probate.

RECOMMENDATION:
Court may wish to trail this matter with Court Trial.
(kra/gls)

FUTURE HEARINGS:
6/23/10 Court Trial set for PETITION FOR PROBATE of SOCRATES SANTANA

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0600226

CASE NAME: ESTATE OF MANUELA GLORIA PEREZ

SEE ALSO 1

HEARING:
Readiness Calendar

COUNSEL:
SOCRATES SANTANA (PET)...GEORGETTA H.R. RAINEY
MANUELA GLORIA PEREZ (DEC)...
JOHN T BACHMAYER (OBJ)...JOHN T BACHMAYER

No notes - Readiness

FUTURE HEARINGS:
6/23/10 Court Trial set for PETITION FOR PROBATE of SOCRATES SANTANA

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000365

CASE NAME: THOMAS ABEL MARTINEZ

HEARING:
Petition to determine succession to Real Property

COUNSEL:
TERRI LEE MARTINEZ (PET)...PRO/PER
THOMAS ABEL MARTINEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner claims 100% ownership interest in decedent's real property pursuant to the laws of intestate succession. However, decedent left four minor children who would also be intestate heirs so that petitioner would receive 1/3 interest and the four children share the other 2/3 interest.
2. Need to file notice of hearing and proof of service.
3. As four heirs are minors, does court wish to appoint counsel. JTD

RECOMMENDATION:
Need notice and court's discretion.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700507

CASE NAME: VANCIE LURUTH BELCHER

HEARING:

FIRST AND FINAL Account and Report of JEFFERY D FITZPATRICK II
and Petition for allowance of fees filed.

COUNSEL:

JEFFERY D FITZPATRICK II (PET)...CHARISE L STEWART
VANCIE L BELCHER (DEC)...

GENERAL INFORMATION

Continued from 4/15/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges he is the sole heir and waives an accounting and compensation.
2. Attorney requests statutory fees of \$3,400.00. as there are no cash assets, Attorney requests to place a lien on the real property. JTD
3. Need notice to Franchise Tax Board per Pr.C. §9202(c).
4. Petitioner proposes distribution to himself as sole heir of decedent's post deceased son, Jeffrey Fitzpatrick. Notice was given to a Renee Fitzpatrick. Question if the post deceased son was married or had any other heirs? Need verified supplement.

RECOMMENDATION:

Need to clear notes 3-4. If approved, court to set hearing re filing receipts and final discharge for **6/23/11**.

(kra/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700897

CASE NAME: HATTIE A. POLLARD

VACATED AND RESET ONTO 06/22/10.

HEARING:
Probate status report filed.

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
HATTIE A POLLARD (DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701037

CASE NAME: DANIEL SCOTT KIRBY

HEARING:

FINAL Account and Report of CATHERINE KIRBY and Petition for allowance of fees filed.

COUNSEL:

KRYSTLE KIRBY	(PET)...	MOGA LAW FIRM
DANIEL SCOTT KIRBY	(DEC)...	
CATHERINE KIRBY	(PET)...	MICHAEL I BURSTEIN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests statutory compensation of \$3,366.20. Ok.
2. Attorney requests statutory fees of \$3,366.20. Ok.

RECOMMENDATION:

RFA. If approved, set hearing on the filing of receipts and final discharge for **6/23/11**.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701047

CASE NAME: MTR ABEL A GONZALES

SEE ALSO 7 & 8

HEARING:
Petition for DETERMINATION OF OWNERSHIP OF ESTATE PROPERTY

COUNSEL:

CHRISTINE RAMEY	(PET)...HARTNELL LISTER & MOORE
ABEL A GONZALES	(DEC)...
SENNI GONZALES	(MIN)...MELVIN L FRIEDLAND
BITIA GONZALES	(MIN)...MELVIN L FRIEDLAND
JEFFREY C MAYES	(PET)...MAYES LAW OFFICES
MIA J GONZALES	(OBJ)...SAMUELS, GREEN, STEEL, & ADAMS,
MELVIN L FRIEDLAND	(MELVIN L FRIEDLAND)...MELVIN L

GENERAL INFORMATION

Continued from 05/07/08, 7/31/08, 1/29/09, 7/23/09, 9/24/09 and 11/12/09. On 05/07, stipulation and proposed order re: continuance signed by the Court. On 7/31/08, Atty Scott Soady advises court he was just substituted in for petitioner.

THIS CASE IS SET FOR HEARING ON

Petition for order determining ownership of estate property (Pr.C. 850), directing transfer of property, and for Pr.C. 859 damages.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is special administrator.
2. Petitioner alleges that respondent, Christian Hensley, wrongfully possesses estate personal property including a 2006 Honda Accord and rental income.
3. Petitioner requests recovery of the property by the estate and double damages pursuant to Pr.C. 859.

4. Petition adds that respondent has made contacts with brokers regarding an attempt to sell estate real property and attempts to take estate bank accounts.
5. Petitioner also requests an injunction against respondent to prevent "further misconduct and interference with the Estate." Question whether an injunction can be made to prevent illegal activity and whether the description of the activity to be enjoined is sufficiently specific.
6. Only mail service has been made. Need proof of personal service upon respondent per Pr.C. 851(a).

RECOMMENDATION

Need proper notice. Matter is contested and set for Trial.

(abs/cbr/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701047

CASE NAME: MTR ABEL A GONZALES

SEE ALSO 6 & 8

HEARING:
Petition for ORDER AUTHORIZING PAYMENT OF EXTRAORDINARY
COMPENSATION

COUNSEL:

CHRISTINE RAMEY	(PET)...HARTNELL LISTER & MOORE
ABEL A GONZALES	(DEC)...
SENNI GONZALES	(MIN)...MELVIN L FRIEDLAND
BITIA GONZALES	(MIN)...MELVIN L FRIEDLAND
JEFFREY C MAYES	(PET)...MAYES LAW OFFICES
MIA J GONZALES	(OBJ)...SAMUELS, GREEN, STEEL, & ADAMS,
MELVIN L FRIEDLAND	(MELVIN L FRIEDLAND)...MELVIN L

GENERAL INFORMATION

Continued from 11/26/08, 1/29/09, 7/23/09, 9/24/09, 11/12/09 and 3/18/10 at request of counsel. On 11/26/08, Attorney Soady informs the court that he will be filing objections to the fees requested.

THIS CASE IS SET FOR HEARING ON
Petition for extraordinary fees by prior counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Special administration was granted to Christine Ramey (decedent's sister) on 11/6/07, \$160,000 bond.
2. The matter of general letters has been put over on several occasions pending the adjudication of whether decedent's wife (who is named in the will as the executor) was guilty of murdering decedent. Also, an objection to the probate petition was filed by the surviving spouse. A Pr.C. 850 petition by the

- sister/special administrator is also pending. All matters are set for a 1/29/09 readiness hearing and 2/3/09 trial.
3. Atty Jeffrey Mayes represented special administrator from the time of filing of the original petitions, through the filing of the Pr.C. 850 petition, and until 7/31/08 when Mayes substituted out and atty Richard Lister substituted in for the special administrator.
 4. Atty Mayes now seeks \$25,635 extraordinary fees and \$1,608.50 reimbursement of costs for the period counsel represented the special administrator. Claimed tasks include work re the contested appointment of special administrator and litigation to recover estate property. Attys bill at \$395/hr and \$225/hr and paralegal at \$160/hr. Concern (need verified supplement):
 - a. Court to determine whether paralegal hourly rate is reasonable.
 - b. On what basis does counsel seek fees at this time? There has not yet been a general appointment. Moreover, the Pr.C. 850 petition for which counsel bills have not been decided and therefore it cannot be established to what extent the work benefited the estate. Typically, extraordinary fees are not awarded until the conclusion of the administration. P&As re obtaining extraordinary fees by prior counsel at this stage are invited. **Supp: Petitioner agrees to a continuance of this petition until this Court decides on the Pr. C. § 850 petition, which is set for hearing on 01/29/09.**
 5. **Objections filed by Christine Ramey.**

RECOMMENDATION

Need to clear notes. Court may wish to trail matter with Pr.C. § 850 petition.

Abs/cbr/gls

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701047

CASE NAME: MTR ABEL A GONZALES

SEE ALSO 6 & 7

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

CHRISTINE RAMEY	(PET)...HARTNELL LISTER & MOORE
ABEL A GONZALES	(DEC)...
SENNI GONZALES	(MIN)...MELVIN L FRIEDLAND
BITIA GONZALES	(MIN)...MELVIN L FRIEDLAND
JEFFREY C MAYES	(PET)...MAYES LAW OFFICES
MIA J GONZALES	(OBJ)...SAMUELS, GREEN, STEEL, & ADAMS,
MELVIN L FRIEDLAND	(MELVIN L FRIEDLAND)...MELVIN L

GENERAL INFORMATION

Special administration granted 11/6/07, \$160,000 bond.

Continued from 12/19/07 at the request of attorney Mark Roberts to file objections by 1/16/08.

Continued from 1/30/08 and set for trial 5/7/08.

Atty Melvin Friedland appointed GAL for minors Senni & Bitia Gonzalez 3/6/08.

Continued from 05/07/08 and 7/31/08. On 05/07, Stipulation and order re: continuance of petitions/court trial filed and signed.

Last continued from 1/29/09, 7/23/09, 9/24/09, 11/12/09 and 3/18/10. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Amended petition for letters testamentary, full authority. (Originally filed as a petition for letters of administration, amendment later filed attaching will and changing request to letters testamentary.)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The pour-over will conditionally incorporate the terms of decedent's trust. Need verified supplement providing copy of trust as part of the document to be probated. Will also need supplement to section 9 of petition listing all entities named in will and proof of service for same.
2. Petitioner is named in will as the alternate executor. The primary named executor was decedent's spouse but petitioner alleges that the spouse has been arrested for the murder of decedent. Until adjudication of guilt, however, spouse is primarily entitled to appointment. Need declination to act by spouse. Alternatively, court could find that spouse received notice of this petition and failed to act. JTD.
3. Will waives bond.
4. Will is not self-proving (witnesses did not sign under penalty of perjury). Need proof of subscribing witness.
5. **Objections filed by Mia Gonzalez.**

RECOMMENDATION

Court's discretion. Matter is contested.
(/vet/cbr/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800551

CASE NAME: WILLIS E. THORNBURG

HEARING:
Accounting Review

COUNSEL:
ADA VIRGINIA THORNBURG (PET)...MICHAEL SACKS
WILLIS E THORNBURG (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters Testamentary issued 4/20/09
2. No accounting or status report is filed. Need same.

RECOMMENDATION:
Find out status.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0801069

CASE NAME: WILLIAM CLARENCE TUCKER

HEARING:
Accounting Review

COUNSEL:
CONCHETTA TUCKER (PET)...GREGORY L ZUMBRUNN
WILLIAM CLARENCE TUCKER (DEC)...

GENERAL INFORMATION

Continued from 4/7/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON
Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 2/24/09, \$100,000 bond.
2. No accounting or status report of administration filed. Need same.
3. Court to notice bonding company.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq. Court to notice bonding company.

Abs/gls

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900049

CASE NAME: DANIEL JOSEPH PARIS JR.

HEARING:
Accounting Review

COUNSEL:
CHRISTINA D. VELASQUEZ (PET)...HARTNELL, LISTER & MOORE
DANIEL JOSEPH PARIS JR (DEC)...

GENERAL INFORMATION

Continued from 5/13/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters Testamentary issued 3/12/09 (full authority, no bond)
2. No accounting/status report is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900159

CASE NAME: FRED J.C. BOWLIN

HEARING:
Accounting Review

	COUNSEL:
J. THOMAS BOWNE	(PET)...HOLLY HUTCHINS
FRED J. C. BOWLIN	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 4/17/09 (limited authority, no bond)
2. No accounting/status report is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900313

CASE NAME: GWENDOLYN COLEMAN

HEARING:
Accounting Review

COUNSEL:
ALVIN COLEMAN (PET)...SHARON MORFF
GWENDOLYN COLEMAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 6/17/09 (full authority, no bond)
2. No accounting or status report is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900443

CASE NAME: JESUS CUEVAS ZARATE

SEE ALSO 15

HEARING:

Motion Re: to be relieved as counsel Filed by Petitioner MARIA
ESTELA GONZALEZ GARCIA

COUNSEL:

MARIA ESTELA GONZALEZ GARCIA (PET)...GARY HARRISON
JESUS CUEVAS ZARATE (DEC)...
WELLS FARGO CARD SERVICES (TP)...

GENERAL INFORMATION

**Continued from 4/29/10. Court orders counsel to prepare an accounting per Pr.C.
§10953. Motion will not be granted until accounting is filed. Accounting is
subsequently filed (see page 15)**

THIS CASE IS SET FOR HEARING ON Motion to be relieved as counsel filed by Attorney
Gary Harrison

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Counsel alleges that attorney/client do not agree on the course the case
should take and that there has been a breakdown in communication. Thus,
counsel requests to be relieved.
2. Maria Estela Gonzalez Garcia was personally served on 3/22/10.

RECOMMENDATION:

Court's discretion.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900443

CASE NAME: JESUS CUEVAS ZARATE

SEE ALSO 14

HEARING:

FIRST Account and Report of MARIA ESTELA GONZALEZ GARCIA and
Petition for allowance of fees filed.

COUNSEL:

MARIA ESTELA GONZALEZ GARCIA (PET)...GARY HARRISON
JESUS CUEVAS ZARATE (DEC)...
WELLS FARGO CARD SERVICES (TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for its
Settlement

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period 1/7/09 – 5/17/10
2. Statutory fees calculate to \$5,650.00.
3. Counsel states that two creditor's claims have been filed during the administration. However, no allegation is made as to whether the claims are approved and/or paid. File verified supplement.
4. The assets remaining in the estate are two parcels of real property with a total value of \$155,000. Each property is over-encumbered. It appears that the real properties must be sold to satisfy the costs of administration and creditor's claims. File verified supplement to clarify.

RECOMMENDATION:

Need verified supplement. Set next accounting review for **6/23/11**. Accounting to be filed
30 days in advance.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900889

CASE NAME: MAYA ERIANNA FINN

HEARING:
Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:
DARELL D FINN (PET)...BANKS GARCIA & JANIS
MAYA ERIANNA FINN (DEC)...
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

Address	9870 Paloma Court, Rancho Cucamonga APN:1077-341-22
Appraised value	\$190,000.00
Sale price	\$177,000.00
First overbid	\$186,350.00
Deposit	\$0.00 (insufficient). Need deposit of 10% per local rule 20-807
Commission	None – sale without a broker
Additional bond	\$0.00. Current fixed bond of \$50,000 is sufficient.
Reason for sale	to pay expenses of administration
Exposure to market	notified people in the community that real property was for sale.
Notice	Need to file notice of hearing and proof of service. Petitioner alleges that publication is not required per Pr.C. §10503. However, as this is a court confirmation sale and not a sale

under a Notice of Proposed Action, publication is required per
Pr.C. §10309. Need to file proof of publication

(gls)

FUTURE HEARINGS:

4/06/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS05201

CASE NAME: RE: CHRISTIAN CORONA SPECIAL NEEDS TRUST

VACATED- FILE IS IN THE PROCESS OF BEING TRANSFERRED.

HEARING:
Hearing Re: Confirmation of Transfer

COUNSEL:
MELODIE Z SCOTT (PET)...HARTNELL HORSPOOL & FOX
LEE ANN HITCHMAN (PET)...ERIC F BECKER
CHRISTIAN CORONA SPECIAL NEEDS(TRU)...
KARIN E HORSPOOL (TP)...HORSPOOL & PARKER
LIBERTY MUTUAL INSURANCE COMPA(PRO/PER)...PRO/PER
CHRISTINA ERICKSON-TAUBE (KARIN E HORSPOOL)...KARIN E H

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS07005

CASE NAME: MTR OF JACK LESLIE SIMMONS

HEARING:

Motion Re: TO EXPUNGE NOTICE OF PENDENCY OF ACTION ETC Filed by
Petitioner BETTY J GRANT

COUNSEL:

DOROTHY M DIXON	(PET)...	DUANE P BOOTH
BETTY J GRANT	(OBJ)...	JAMES B CHURCH
OTIS GRANT	(JAMES B CHURCH)...JAMES B C

No notes – Judge to decide

FUTURE HEARINGS:

7/08/10 Readiness Calendar

7/08/10 Petition for ORDERS AUTHORIZING PETITIONER TO SELL REAL PROPERTY

7/12/10 Court Trial set for PETITION FOR PROBATE of DOROTHY M DIXON

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS07091

CASE NAME: ESTATE OF SEYMOUR SHAW

HEARING:

first and final Account and Report of JOHN KAZALUNAS and
Petition for allowance of fees filed.

COUNSEL:

SEYMOUR ROTH	(PET)...WALTER MOORE
SEYMOUR SHAW	(DEC)...
JOHN KAZALUNAS	(PET)...HARTNELL LISTER & MOORE
HELENE EISNER	(PET)...ELLIS PAUL ROBIN
CRAIG EISNER	(RES)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and Final Account and Report and Petition
for Final Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. Petitioner requests statutory compensation of \$30,579.29. Petitioner will agree to an apportionment of statutory compensation with the Seymour Roth, as special administrator prior to the hearing. Need verified supplement to clarify apportionment.
3. Petitioner requests extraordinary compensation of \$13,252.50 for services rendered in connection with the recovery of stolen property of the decedent and compiling and preparation of the decedent's final tax returns. Billed at \$75/hour for 176.7 hours. The hourly rate is charged higher than usual for a non-professional fiduciary. The court usually grants between \$25-\$35/hour for non-professional fiduciary fees. If court allows \$40/hour, fees would calculate to \$7,068.00. JTD

4. Attorney requests statutory fees of \$30,579.29. Ok. Question, however, if an apportionment of statutory fees will be made with the attorney for the special administrator? File verified supplement and/or waiver of fees.
5. Attorney requests extraordinary fees of \$72,860.00 for services rendered for services rendered in connection with litigation and pursuing an 850 petition, negotiating creditor's claims. Billed at \$250-\$375/hour for attorney time and \$75-\$125/hour for paralegal times. Itemized.
6. Petitioner requests authority to withhold \$200,000 as a reserve for any tax liabilities and closing costs. Petitioner alleges there may be a tax liability of \$100,000 and tax returns are being audited to verify said sum. JTD
7. Counsel inadvertently omitted to sign the petition on page 15 (tabbed). Court may wish to allow counsel to interlineate signature. JTD
8. Need Estate Tax Clearance letter from Franchise Tax Board per Revenue & Taxation Code §19513 as more than \$250,000 is being distributed to non-resident beneficiaries and the estate is valued more than \$1m.

RECOMMENDATION:

Need Estate Tax Clearance letter. Also need notice and verified supplement re notes 2 and 4. Court may wish to allow counsel to interlineate signature on page 15 of the petition. If approved, set hearing on the filing of receipts and final discharge for **6/23/11**.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: BC BS00014

CASE NAME: STEPHEN MACUTE

HEARING:

OSC re: Proof of Posting of Additional Bond filed by CHRISTINA
ERICKSON-TAUBE

COUNSEL:

STEPHEN T MACUTE (PCE)...MELVIN L FRIEDLAND
SANTOS MACUTE (PET)...PRO/PER
CHRISTINA ERICKSON-TAUBE (CPE)...ALEX R BORDEN
WESTERN SURETY COMPANY (TP)...ANDERSON, MCPHARLIN & CONNERS
MELODIE Z SCOTT (PRO/PER)...PRO/PER
AMERICAN CONTRACTORS INDEMNITY(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re proof of posting additional bond

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At hearing on 5/13/10, the court increased bond to \$454,000 (a total increase of \$99,000). The court then set this review date for proof of posting the additional bond.
2. Need to post additional bond.

RECOMMENDATION:

Find out status.

(gls)

FUTURE HEARINGS:

5/19/11 Accounting Review

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000033

CASE NAME: ETHEL JUNE LYNCH

HEARING:
Petition for Appointment of Conservator

COUNSEL:
CHRISTINA ERICKSON-TAUBE (CPE)...SHERRI L KASTILAHN
ETHEL JUNE LYNCH (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At hearing on 4/7/10, the court is advised the proposed conservatee died. Court ordered petitioner to prepare an accounting as temporary conservator.
2. First and final account by temporary conservator is due for the period 2/10/10 – current date. No accounting is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000121

CASE NAME: JENNIFER RAYE KING

HEARING:
Petition for Appointment of Conservator

COUNSEL:
CARRIE A DILLARD (CP)...PRO/PER
SHIRLEY GILLAM (CP)...PRO/PER
JENNIFER RAYE KING (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator, person only, by mother-Carrie Dillard and Shirley Gillam-maternal aunt

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests medical powers. Medical Capacity declaration is filed supporting request. Declaration is not complete as to item 4(a) when the physician last saw proposed conservatee or 4(b) whether the proposed conservatee is under physician's continuing treatment. Need to file completed form.
2. Petitioner alleges proposed conservatee is developmentally disabled. Court must appoint counsel for proposed conservatee, and need report of counsel.
3. Need to file notice of hearing and proof of service.
4. Petitioner alleges proposed conservatee will attend the hearing. If no appearance is made, need return of Citation.
5. Need Court Investigator's report.
6. Need IRC report.
7. Need proof of completion of Conservatorship training class.

RECOMMENDATION:

Court to appoint counsel for proposed conservatee. Need to clear remaining notes.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0600050

CASE NAME: ESTATE OF ROBERT C MERRILL

VACATED- ACCOUNTING FILED AND IS SET ON 06/28/10.

SEE ALSO COMPANION CASE CONPS0600051 ON THE FOLLOWING PAGE.

HEARING:
Accounting Review

COUNSEL:
RICHARD G REINACKER JR (PET)...J. DAVID HORSPOOL
ROBERT C MERRILL (DEC)...RICHARD G ANDERSON
SANDY L TURNER (CPE)...DAVID & TURNER
RICHARD G REINACKER JR (CPE)...J. DAVID HORSPOOL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0600051

CASE NAME: ESTATE OF VIRGINIA H MERRILL

VACATED- ACCOUNTING FILED AND IS SET ON 06/28/10.

SEE ALSO COMPANION CASE CONPS0600050 ON THE PREVIOUS PAGE.

HEARING:
Accounting Review

COUNSEL:
RICHARD G REINACKER (CPE)...J. DAVID HORSPOOL
VIRGINIA H MERRILL (CEP)...
SANDY L TURNER (CPE)...DAVID & TURNER

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800227
CASE NAME: MTR OF CLIFFORD WALKER

HEARING:

FIRST Account and Report of CHRISTINA ERICKSON-TAUBE and
Petition for allowance of fees filed.

COUNSEL:

CHRISTINA ERICKSON-TAUBE (CPE)...ALEX R BORDEN
CLIFFORD WALKER (CEP)...
MELODIE Z SCOTT (TP)...PRO/PER
AMERICAN CONTRACTORS INDEMNITY(PRO/PER)...PRO/PER

GENERAL INFORMATION

**Continued from 5/6/10. Court state it will approve attorney's fees of \$325/hour.
Matter continued to clear note 5 (below)**

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance
of Fees filed by Christina Erickson-Taube (PPF)

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 12/4/08 – 1/29/10
2. Assets on hand: \$95,595.89 (cash of \$65,595.89 and balance in carry value of real property)
3. Petitioner requests fees of \$5,443.25. Billed at various rates for various services not exceeding \$105/hour. Itemized. Petitioner has taken a periodic payment of \$98.84 which should be credited against the fee request, for a balance due of \$5,344.41. JTD
4. Attorney requests fees of \$3,150.00. Billed at \$350/hour for attorney time. Itemized. JTD
5. Conservatee is a VA recipient. Question if the VA has approved the accounting? File verified supplement with copy of acceptance correspondence.

RECOMMENDATION:

Need to clear note 5. If approved, set next accounting review for **6/21/12**. Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900247

CASE NAME: CLARA R. ELDRED

HEARING:
Accounting Review

COUNSEL:
MISTY L MUNCHHOF (CPE)...BRYAN C HARTNELL
CLARA R ELDRED (CEP)...J. DAVID HORSPOOL

GENERAL INFORMATION

Continued from 3/11/10 and 4/29/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Conservatee is deceased (date of death is not noted in the file)
2. First and Final Accounting of Temporary Conservator due for the period 12/15/09 (bond originally fixed at \$250,800). Bond was subsequently reduced to \$76,000 and temporary conservator was ordered to place funds in blocked account with the exception of \$40,000.
3. Bond posted 2/16/10. Temporary Letters issued 2/18/10.
4. Need proof of blocked account and final accounting.

RECOMMENDATION:

Find out status of final accounting. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: RC RS00270

CASE NAME: JOSE A CARMONA GARCIA

HEARING:

SECOND Account and Report of DIANE D HARKISON and Petition for allowance of fees filed.

COUNSEL:

LOURDES SANCHEZ (PET)...PRO/PER
JOSE A CARMONA GARCIA (PCE)...DONNASUE SMITH-ORTIZ
VIRGINIA VASQUEZ PEREZ (PCR)...LAW OFFICES OF DAVID GARRETT
DIANE D HARKISON (CE)...M DANIEL SAYLOR
DONNASUE SMITH ORTIZ (CP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/22/08 – 2/18/10
2. Assets on hand: \$929,202.44 (cash of \$79,202.44 and the balance in carry value of real property)
3. Petitioner requests fees of \$10,999.10 of which \$5,250.00 has been paid leaving a balance owing of \$5,749.10. Billed at various rates for various services not exceeding \$95/hour. Itemized. JTD
4. Petitioner requests authority to continue advancing \$250/month in periodic payments to be applied to future fees. JTD
5. Attorney requests fees of \$10,635.25. Billed at \$325/hour for attorney time and \$75-\$90/hour for paralegal time. Itemized. JTD
6. Petitioner alleges the current bond of \$115,000 is insufficient and should be increased to a total of \$220,000 (a total increase of \$105,000). Appears adequate. JTD

7. On disbursements, there are maintenance charges for a handicapped van, yet there is no vehicle listed as property on hand. File verified supplement to address who owns the van and whether it should be listed as a conservatorship asset.
8. On disbursements, there are mortgage charges, utilities and home maintenance, as well as payments to spouse for medical reimbursement. Question if there are other community property funds or whether conservatee's spouse contributes to the community debts? File verified supplement.
9. Need to file original bank statements for entire accounting period per Pr.C. §2620(c).
10. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need notice, verified supplement re notes 7-8 and need original bank statements. Court's discretion re fees and future periodic payments. If approved, set next accounting review for **6/21/12**. Accounting to be filed 30 days in advance.

(gls)

FUTURE HEARINGS:

7/08/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS00954

CASE NAME: IN THE MATTER OF CLIFFORD L FREDERICK

HEARING:
Accounting Review

COUNSEL:
CLIFFORD L FREDERICK (CPE)...
NORMA FREDERICK (CPE)...J. DAVID HORSPOOL

GENERAL INFORMATION
Continued from 5/6/10

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner has filed an Affidavit to Dispense with Accounting per Pr.C. §2628 to cover the period 2/27/08 – 2/26/10.

RECOMMENDATION:

Court's discretion. If granted set next accounting/waiver of accounting review for **6/23/11**.
Accounting to be filed 30 days in advance.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01307

CASE NAME: IN THE MATTER OF MARIO ROSALES

HEARING:

THIRD Account and Report of JOHN D. MICKUS and Petition for allowance of fees filed.

COUNSEL:

MARIO ROSALES (CEP)...
JOHN D. MICKUS (CPE)...PRO/PER

GENERAL INFORMATION

Continued from 5/13/10 to clear notes.

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance of Fees and for Additional bond

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/8/08 – 2/28/10
2. Assets on hand: \$28,579.68 (cash)
4. Petitioner requests fees in the amount of \$5,107.75. Billed at \$250/hour for attorney-type services and \$85/hour for fiduciary services for a total of 47.05 hours. Itemized. JTD
5. Petitioner's starting balance (\$737.51) does not match petitioner's ending balance in the second accounting (\$31,039.44). Need verified supplement with clarification of discrepancy or reconciliation.
6. Petitioner requests bond to be increased to a total of \$76,800 (an increase of \$35,000). Appears adequate. JTD

RECOMMENDATION:

Need to clear note 5 and court's discretion re increased bond. If approved, set next accounting review for **5/17/12**.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS02673

CASE NAME: MTR OF ROBERT M ANDREWS

HEARING:

FIFTH Account and Report of LAWRENCE A DEAN II and Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN II	(CPE)...HARTNELL, HORSPOOL & FOX
ROBERT M ANDREWS	(CEP)...FRANK J PRAINITO
MELODIE Z SCOTT	(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Fifth Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 1/1/09 – 12/31/09
2. Assets on hand: \$65,152.17 (cash)
3. Petitioner requests fees of \$2,870.70, of which \$2,750.00 has been paid, leaving a balance due of \$120.70. Billed at various rates for various services not exceeding \$105/hour. Itemized. JTD
4. Attorney requests fees of \$1,517.50. Billed at \$250/hour for 6.7 hours. Itemized. JTD
5. Petitioner requests the current bond of \$115,000 be reduced to \$95,000. Appears adequate. JTD
6. During the accounting period, petitioner hired third parties (i.e., C.A.R.E., Inc. and Christie Taube) to do administrative work and case management. Need to file verified receipts for services per local rule 20-1406(c).
7. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes 6-7 and court's discretion re fees. If approved, set hearing on next accounting review for **6/21/12**.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS02832

CASE NAME: MATTER OF JESSE W STEWART

HEARING:
Accounting Review

COUNSEL:

LAWRENCE A DEAN II	(CPE)...	HORSPOOL & PARKER
JESSE A STEWART	(CEP)...	
TARYN STEWART	(PET)...	PRO/PER
STEVEN STEWART	(OBJ)...	AAEN LAW PARTNERS
ELEANOR GRIER	(AAEN LAW PARTNERS)...AAEN LAW
FELIX M MARTIN	(AAEN LAW PARTNERS)...AAEN LAW
MELODIE Z SCOTT	(PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 3/25/10 and 5/13/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Fourth Account Current is due by conservator, Lawrence Dean, for the period 1/1/09 – 12/31/09. No accounting is filed.

RECOMMENDATION:

Find out status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS7445

CASE NAME: IN THE MTTR OF PAUL O WINTERS

HEARING:
Hearing re Final Discharge

	COUNSEL:
PAUL O WINTERS	(CTE)...JAMES B CHURCH
MELODIE Z SCOTT	(CE)...E JOAN NELMS
CHRISTIE DAVIDSON	(CE)...HORSPOOL & PARKER
JAMES B CHURCH	(PET)...JAMES B CHURCH

GENERAL INFORMATION

Continued from 5/6/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON filing receipt and final discharge by Melodie Scott
former conservator/trustee

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Order for Final Discharge of Melodie Scott was granted 12/10/09.
2. Need to file receipt by Christie Davidson, successor conservator/trustee.
3. Need to submit final discharge declaration from Melodie Scott.

RECOMMENDATION:

Find out status.

(gls)

FUTURE HEARINGS:

7/08/10 Accounting Review

8/05/10 Hearing re Final Discharge

1/13/11 Accounting Review

CIVPRO San Bernardino Superior Court
 San Bernardino District
 PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 10:30 DEPT: S33P

CASE#: SG SS3997

CASE NAME: IN THE MATTER OF PATSY JANE RYAN

HEARING:
Accounting Review

COUNSEL:
LAWRENCE A DEAN II (CPE)...HORSPOOL & PARKER
PATSY JANE RYAN (CEP)...
MELODIE Z SCOTT (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 3/4/10 and 5/13/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Eleventh Account Current is due for the period: 1/1/09 – 12/31/09. No accounting is filed.

RECOMMENDATION:

Find out status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **MISC.**

DATE: 06/17/10 TIME: 1:30 DEPT: S33P

CASE#: CON DS1000041

CASE NAME: orville l. board

SEE ALSO 35

HEARING:
Mandatory Settlement Conference

COUNSEL:
THOMAS O BOARD (CPE)...DAVID P COLELLA
ORVILLE L BOARD (CEP)...

No notes – M.S.C.

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District - Civil

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/17/10 TIME: 1:30 DEPT: S33P

CASE#: CON DS1000041

CASE NAME: orville l. board

SEE ALSO 34

HEARING:

Petition for Appointment of Conservator

COUNSEL:

THOMAS O BOARD

(CPE)...DAVID P COLELLA

ORVILLE L BOARD

(CEP)...

GENERAL INFORMATION

Continued from 03/12/10, 4/1/10 and 5/6/10. Court notes proposed conservatee objects to the conservatorship and retained Attorney Lenita Skoretz.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by son

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be fixed at \$20,000. The estimated estate is approximated at \$28,000, together with the 10% bond recovery costs, bond should be fixed at \$30,800. JTD
2. Petitioner requests medical and dementia powers. Medical Capacity Declaration does not support such request.
3. Report of counsel (Attorney Skoretz) is filed.
4. Citation was personally served on 3/7/10.
5. Court Investigator's report is filed.
6. Proof of Conservatorship Training Program is filed
7. No written objections are filed at the time of the review of this file.

RECOMMENDATION:

Need appointment of counsel for proposed conservatee. If approved, set hearing for filing of inventory and appraisal, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for **11/4/10**. Set hearing on accounting review for **6/9/11**.

(gls/cbr/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: CIV RS900714

CASE NAME: MARSHA HORTON V CHRIS RASNUSSEN ET AL

HEARING:

Hearing Re: MEDIATION REVIEW/TRIAL READINESS/SETTING

COUNSEL:

MARSHA HORTON	(PLA)...	DANIEL G. MCMEEKIN
CHRIS RASMUSSEN	(DEF)...	HARTNELL, LISTER & MOORE
KURT RASMUSSEN	()...
DYNAMIC INVESTMENTS	()...

No notes – Mediation Review/Trial Readiness

FUTURE HEARINGS:

7/01/10 Court Trial set for COMPLAINT (UNLIMITED) of HORTON

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000038

CASE NAME: MARRIAGE OF SMITH

SEE ALSO 2A

HEARING:
Hearing Re: PETITION TO ESTABLISH FACT OF MARRIAGE

COUNSEL:
SHERICKA SHARELL SMITH (PET)...PRO/PER
MONTONEYA MONTEZ SMITH (RES)...

GENERAL INFORMATION

Continued from 1/28/10, 3/4/10, 4/6/10 to clear calendar notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to Establish Fact of Marriage

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. This petition is brought pursuant to Health & Safety Code §103450 et seq.
2. Petitioner submits the proposed Order Establishing Fact of Marriage, however, need a verified petition (H&S §10350).
3. Petitioner states that she and respondent had Pastor Felipe Rivero perform their marriage, but did not apply for a marriage license and therefore, the marriage was not registered. Petitioner does not state, however, sufficient facts to determine the time and place of marriage, nor a declaration to establish the facts such as a declaration from Pastor Felipe Rivero as required by H&S Code §103475.
4. Declaration by petitioner is filed. Petitioner alleges that Pastor Rivero has passed away. In addition, the respondent (purported husband) also died on 6/11/09.

RECOMMENDATION:

Dismiss matter without prejudice as respondent is deceased.
(gls/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000038

CASE NAME: MARRIAGE OF SMITH

SEE ALSO 2

HEARING:
Hearing Re: OSC RE: DISMISSAL

	COUNSEL:
SHERICKA SHARELL SMITH	(PET)...PRO/PER
MONTOYEA MONTEZ SMITH	(RES)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON OSC Re: Dismissal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Matter set at 4/8/10 hearing on petition to establish fact of marriage after petitioner requested continuance. Court granted continuance and added this matter. Ms. Smith is to produce documents necessary to approve the petition, or the matter shall be dismissed. Notice given by clerk.

RECOMMENDATION:
Court's discretion.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000172

CASE NAME: JOHN JOSEPH GUTIERREZ

HEARING:
Spousal Property Petition hearing.

	COUNSEL:
SHIRLEY GUTIERREZ	(PET)...KEVIN G STAKER
JOHN JOSEPH GUTIERREZ	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Spousal Property petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests the court's determination that real property held in the names of decedent and petitioner as tenants in common. Petitioner is surviving spouse and requests the transfer of decedent's property to petitioner as sole beneficiary in accordance with decedent's will. Decedent leaves issue consisting of 7 living children and 2 grandchildren (children of deceased child).

RECOMMENDATION:

Court's discretion.

(fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000246

CASE NAME: BRANDON BRUCE VINSON

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

	COUNSEL:
KIMBERLY MOORE	(PET)...PRO/PER
BRANDON BRUCE VINSON	(DEC)...

GENERAL INFORMATION:

Continued from 5/13/10 at request of counsel as attorney just retained.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Admin. W/ Limited
Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is mother of decedent's minor child. As decedent's spouse has priority per Pr.C. §8461, does Court wish to require declination of surviving spouse? JTD.
2. Petitioner requests limited authority and waiver of bond. Petitioner alleges the reasons for waiving bond are set forth in item 3d, however, no such allegation or attachment is given. Need same. Alternatively, court may wish to require minimum bond or blocked account(s) for estate funds.
3. Need notice of petition to administer estate.
4. Need proof of publication.

RECOMMENDATION:

Need notice and proof of publication. If approved, Court may wish to set hearing re proof of blocked account for **1/20/11**, **and** hearing re Accounting/Status review for **8/25/11**. Any accounting to be filed 30 days in advance.

(fhl/gls/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000292

CASE NAME: GLENN F FLOWERS

HEARING:

Hearing re: Petition for Letters of Admin. W/ Limited Authority
under IAEA

COUNSEL:

J.G. WENTWORTH S.S.C. LIMITED (PET)...GREENBERG & BASS
GLENN F FLOWERS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Admin. W/ Limited
Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is a general partnership and states that it is a nominee of a person entitled to letters. However, it appears petitioner is a creditor of decedent. Petitioner requests that its agent be appointed administrator of decedent's estate without bond. Petitioner claims that Symetra Life Insurance Company is holding annuity payments payable to decedent and will not release funds without an Order from the Court. Petitioner states that the sole purpose of filing the probate is to allow petitioner to submit its creditor's claim for approval and then close the estate as an estate with no assets. Nominee of petitioner is not a resident of California.
2. Decedent is survived by a spouse and a parent. Does Court wish to require declinations by those persons as they have higher priority than petitioner? JTD.
3. Petition is signed by the nominee of petitioner. Need signature of an authorized person of the limited partnership.
4. Petitioner requests that no bond be required as no funds will be released by Symetra without specific order of this Court. JTD.
5. Proof of publication filed showing publication in the Daily Press newspaper, which is a newspaper of general circulation servicing the high desert. Decedent was a resident of the City of Hesperia. Per Pr.C. §8121(b) publication should

have been made in a newspaper published in the City of Hesperia. Does Court wish to deem publication in the Daily Press sufficient? JTD.

6. Need to submit filing fee as no filing fee was paid at time of filing petition.

RECOMMENDATION:

Need to clear notes; Court's discretion re bond. If petition granted court will have to set future dates. Set future hearing for Accounting/Status Review on 3-16-10. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000366

CASE NAME: MTR OF MARGARET LORETTA CARROLL

HEARING:

Petition for FOR PROBATE OF LOST WILL AND FOR LETTERS
TESTAMENTARY WITH IAEA

COUNSEL:

ROBERT WILLIARD CARROLL JR (PET)...FRANSEN AND MOLINARO, LLP
MARGARE LORETTA CARROLL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Lost Will and For Letters
Testamentary With Full Authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. The original will is apparently lost. Petitioner has attached a photocopy of the will.
Petitioner submitted a declaration in support of lost will; tabbed. Judge to decide.
2. Will waives bond.
3. Need proof of subscribing witness as will is not self-proving.
4. Need to file notice of petition to administer estate.
5. Need to file proof of publication

RECOMMENDATION:

Need to clear notes. If approved, set future hearing for Accounting/Status Review on
8/25/11. Any accounting to be filed 30 days in advance. Note requirements of local rule
20-908.

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0701136

CASE NAME: JEAN M. RASMUSSEN

HEARING:

Hearing Re: MEDIATION REVIEW/TRIAL READINESS/SETTING

COUNSEL:

JEAN M RASMUSSEN	(DEC)...
CHRIS S RASMUSSEN	(STE)...JACK B OSBORN

No notes – Mediation Review/Trial Readiness

FUTURE HEARINGS:

7/01/10 Court Trial set for PETITION FOR PROBATE of JEAN M RASMUSSEN

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800430

CASE NAME: JESSICA CALLAHAN S.N. TRUST

HEARING:
Accounting Review

COUNSEL:
PFF BANK & TRUST, TRUSTEE (PET)...RANDOLPH M SHARON
JESSICA CALLAHAN SPECIAL NEEDS (TRU)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Second Account current filed by prior trustee (U.S. Bank National Association) approved 3/4/10. Court approved resignation of U.S. Bank National Association as trustee and appointed Westamerica Bank as successor trustee.
2. Need final accounting of U.S. Bank National Association to cover period 9/1/09 – 3/4/10.

RECOMMENDATION:

Inquire status.
(fhl)

FUTURE HEARINGS:

6/23/10 Hearing Re: STATUS OF FILING OF 1ST ACCT BY WESTAMERICA BANK

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900684

CASE NAME: BETH KILBOURN

HEARING:
REPORT OF ADMINISTRATOR WITH WAIVER OF Account and Report of
DANNA BENNETT and Petition for allowance of fees filed.

	COUNSEL:
DANNA BENNETT	(PET)...CRAIG M PARKER
BETH KILBOURN	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. All heirs waive an accounting.
2. Petitioner waives statutory commission.
3. Attorney requests statutory fees in amount of \$4,615.79. Calculated. OK.
4. Notice to Director of Victim Compensation Board needs to be filed as one of the heirs was confined to Glen Helen. Please file same.

RECOMMENDATION:

Court may wish to continue matter to **12/16/10** to allow for notice to Director of Victim Compensation Board and Government Claims Board.
(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: RPR RS01772

CASE NAME: LIBBIE N EDENS

HEARING:
Accounting Review

	COUNSEL:
JENEE L HILL	(PET)...PAUL J BARBA
LIBBIE N EDENS	(DEC)...
BRADLEY EDENS	(PET)...SPRINGER & POLLOCK

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Third account settled 6/16/09.
2. Need fourth account covering period 4/1/09 – 3/31/10.

RECOMMENDATION:
Inquire status.
(fhl)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS06908

CASE NAME: MTR OF JAMES WILLIAM HYKES

HEARING:

Report of administrator with waiver of Account and Report of
JAMIE FUENTES and Petition for allowance of fees filed.

COUNSEL:

JAMIE FUENTES	(PET)...	WILLIAM M NASSAR & ASSOCIATES
JAMES WILLIAM HYKES	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Report of Administrator with Waiver of Account
and Petition for Final Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. The residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$6,284.14. Fees are sought to be paid to Brown White & Newhouse, LLP. However, Attorney Nassar is still the attorney of record. Question if Attorney Nassar is waiving statutory fees or will a portion of the fees be divided? If Attorney Nassar is no longer attorney of record, need to file Substitution of Attorney. Also question of Attorney Nassar is now with Brown White & Newhouse? File verified supplement.
4. Attorney requests extraordinary fees of \$11,352.00 for services in connection with the sale of the real property. Petitioner alleges the property sale went in and out of escrow four times. Attorney alleges that attorney will accept the sum of \$11,000 for both statutory and extraordinary fees. JTD
5. Assignments of Interest have been filed by Andrea Hykes and Andrew Hykes. Thus, the estate should be distributed solely to petitioner, Jamie Fuentes.

RECOMMENDATION:

Need verified supplement re note 3 and then court's discretion. If approved, set hearing on the filing of receipts and final discharge for **6/23/11**.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS07054

CASE NAME: RE: ROWLAND FAMILY TRUST

SEE ALSO 13

HEARING:

Petition for DETERMINING VALIDITY OF TRUST PROVISION BY
AMENDMENT & TO ASCERTAIN STATUS AS BENEFICIARY

COUNSEL:

RICHARD ROWLAND	(PET)...RICHARD L BARRETT
CHARLOTTE GRAVES	(PET)...RICHARD L BARRETT
WILLIAM B RICHARDSON	(PET)...ROBERT A KRASNEY
ROWLAND FAMILY TRUST DATED 1/2	(TRU)...
JEFFREY ORNELAS	(TP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Continued from 3/29/10. The court notes Attorney Osborn will be filing an objection.

Continued from 5/13/10 at request of counsel to submit order determining heirship.

THIS CASE IS SET FOR HEARING ON Petition to determine validity of trust amendment.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, William Richardson (decedent's surviving spouse), seeks a determination that decedent is a 25% beneficiary of decedent's sister's trusts per the terms of an amendment to that trust. Petitioner alleges that decedent's sister and sister's husband formed a trust in 2001 and amended the trust in 2002. Petitioner adds that the husband trustor died in 1/06, the wife trustor died in 5/06, then decedent died in 6/06 (notably, that she was alive when the second trustor passed away). Petitioner alleges that pursuant to the amendment to the trust, decedent was to be left 25% of the trust assets. Petitioner states that the successor trustees of the trust have taken the position that decedent is not a beneficiary of the trust because she did not survive the distribution of the trust, whereas petitioner takes the position that decedent's

interest as a 25% beneficiary vested when she survived the second trustor such that her estate is now entitled to 25% of the trust distribution.

2. **Opposition filed by Charlotte Graves, successor trustee.**
3. Note that other issues being litigated in this case (e.g., accounting) are set for trial.

RECOMMENDATION

Set for contested hearing.

(abs/gls/fhl)

FUTURE HEARINGS:

6/21/10 Hearing Re: COURT TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS07054

CASE NAME: RE: ROWLAND FAMILY TRUST

SEE ALSO 12

HEARING:
Readiness Calendar

RICHARD ROWLAND
CHARLOTTE GRAVES
WILLIAM B RICHARDSON
ROWLAND FAMILY TRUST DATED 1/2
JEFFREY ORNELAS

COUNSEL:
(PET)...RICHARD L BARRETT
(PET)...RICHARD L BARRETT
(PET)...ROBERT A KRASNEY
(TRU)...
(TP)...HARTNELL LISTER & MOORE

No notes - Readiness

FUTURE HEARINGS:
6/21/10 Hearing Re: COURT TRIAL

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000122

CASE NAME: LINDA ANN WALTON

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DESHON VAUGHN

(CP)...PRO/PER

LINDA ANN WALTON

(CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator of the person by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. No bond – person only.
2. Petitioners seek medical powers. Capacity declaration filed.
3. Item 9d of petition is not completed. Court may wish to inquire whether proposed conservatee is an adherent of a religion that relies on prayer alone for healing.
4. Petitioner alleges conservatee is unable to attend hearing. Capacity declaration supports contention.
5. Petitioner requests waiver of assessment fee as proposed conservatee has no income and payment of the fee would impose a financial burden. JTD.
6. Probate Investigators Referral Report is not signed by petitioner. Court may wish to have petitioner sign (purple tab).
7. Court may wish to review confidential conservator screening form (tabbed).
8. Need return of citation.
9. Need certificate of completion of Conservator Orientation class.
10. Need notice of hearing and proof of service.
11. Need Court Investigator report.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **1/20/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0800214

CASE NAME: MTR OF MARIA DEL ROSARIO IBARRA

HEARING:

Hearing Re: AMENDED PETITION WITH REVISED FEE AGREEMENT

COUNSEL:

MARIA AGNELES BLUE	(CP)...PRO/PER
MARIA DEL ROSARIO IBARRA	(CTP)...DUANE P BOOTH
MATIANA IBARRA	(CPE)...EDWARD B FISCHER & ASSOCIATES
MARIA DEL CARMEN FREYRE	(CPE)...EDWARD B FISCHER & ASSOCIATES
JOSE IBARRA	(CPE)...EDWARD B FISCHER
CONCEPCION M POWELL	(PRO/PER)...PRO/PER

No file available for review.

FUTURE HEARINGS:

9/13/10 Conservatorship Compliance Review Hearing on SUPPLEMENTAL PETITION
FOR CONSERVATORSHIP of JOSE IBARRA

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0800228

CASE NAME: MTR OF REBECCA L LITTLE (MASTER FILE)

HEARING:

Petition for **EX PARTE**INSTRUCTIONS RE CARE OF CONSERVATEES

	COUNSEL:
ROBERT LAURENCE LITTLE	(CPE)...WALKER & MANN LLP
SHAUNEEN LITTLE	(CPE)...WALKER & MANN LLP
REBECCA L LITTLE	(CEP)...MITCHELL I ROTH
KAREN LITTLE	(CPE)...JANET M HERRING
DIANE D HARKISON	(CPE)...M DANIEL SAYLOR
ALDEN B. LITTLE	(PCE)...MITCHELL I ROTH
MITCHELL I ROTH	(PET)...MITCHELL I ROTH

No file available for review.

FUTURE HEARINGS:

7/15/10 FIRST Account and Report of DIANE D HARKISON and Petition for allowance of fees filed.

12/07/10 Hearing re Final Discharge

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900015

CASE NAME: NORMAN NICHLOS HOWARD

SEE ALSO 18 & 19 & 20

HEARING:

Accounting Review

COUNSEL:

NORMAN VANCE HOWARD	(PCR)...JEANNE KENNEDY
NORMAN NICHLOS HOWARD	(CEP)...YOLANDA FLORES-BURT
LAVERNE DEE DRONYK	(PCR)...YOLANDA FLORES-BURT
YOLANDA FLORES-BURT	(PET)...YOLANDA FLORES-BURT
DIANE RUETHER	(CPE)...PRO/PER
W.A. HLAVATY	(SC)...THOMPSON & COLEGATE
FRANK STEWART	(OBJ)...JOHN F WEBER

GENERAL INFORMATION

Continued from **3/22/10**. W.A. Hlavaty appointed as successor conservator of the person only. Objections to appointment as conservator of estate filed by Frank Stewart to be considered later. Mr. Stewart authorized to secure apartment for conservatee, but no long term lease. Court needs construction estimates for house where conservatee wishes to live and directed Mr. Stewart to report re caregiving and medical bills; identify properties, utilities and property taxes; why was property sold; provide copy of trust.

Continued from 4/28/10 at request of attorney Flores-Burt to review and respond to accounting. Court expressed concerns re conservatee's current living arrangement, the contracts he has entered into and the debt he is incurring. Need a cash allowance for conservatee, need budget for all expenses.

THIS CASE IS SET FOR HEARING ON

1. Accounting Review re Trustee Frank Stewart's plan and accounting
2. Compliance Review re Conservator W.A. Hlavaty

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

Re: Trustee Frank Stewart's plan:

1. Trustee provides information requested by Court at 3/22/10 hearing concerning a breakdown of trust expenses, a description of the real property contained in the

Trust, the reason the house located at 27871 Beryl Road, Barstow, was sold, and estimates to repair the house at 28476 Arrowhead Ave., Barstow (residence conservatee would like to reside in). Trustee also provides copy of trust instrument and amendments thereto (purple tabs in file).

- a. Re breakdown of trust expenses. During period of account, total disbursements in amount of \$195,296.45. Of that amount, trustee provides breakdown (yellow tab in file) for \$155,839.39 as follows:
 - i. Payments to attorneys (total \$58,046.46).
 - ii. Payments to conservators (total \$16,168.11).
 - iii. Payments to successor trustee (\$8,169.70).
 - iv. Payment of medical and medical related expenses (total \$73,455.12).
- b. Re remaining trust real properties:
 - i. 28901 W Hwy 58, Barstow: house which is rented out for \$1,020.00 per month.
 - ii. 28476 Arrowhead Ave, Barstow: conservatee would like reside in this property after repairs made.
 - iii. 28829 Howard Drive, Barstow: Title to property is in conservatee's name as trustee of trust and conservatee and predeceased wife as joint tenants. Conservatee informed Attorney Weber that this property was sold. Attorney Weber went to the property and spoke with a woman who said she was a tenant and provided a portion of a letter that had been typewritten Dan Garisick, landlord. Attorney Weber left his business card and asked tenant to have Mr. Garisick contact him.
 - iv. Unimproved property in Barstow (APN: 426-191-44): vacant land.
 - v. Unimproved property in Barstow (APN: 426-271-25 & 36): vacant land.
- c. Re Sale of real property at 27871 Beryl Road, Barstow: The real property was sold by conservatee's son, Steve Howard, acting under a springing durable power of attorney. The property consisted of two parcels, one of which was held in the trust. Trustee states that prior to sale of the home, conservatee was not taking his medication and was living in filth; that no one was assisting him with his meals and bathing. In addition, conservatee allowed unscrupulous people to take advantage of him, that items were stolen from the home; that pilfering and vandalism to the home increased. Mr. Howard believed it was in conservatee's best interest to sell the home because conservatee refused to allow qualified people to care for him.
- d. Re estimates to repair the house at 28476 Arrowhead Ave., Barstow:
 - i. Conservatee contacted Raymond Medina to make repairs and paid \$2,000. Trustee attaches a copy of invoice of Mr. Medina (blue tab) showing total amount for repairs is \$6,000. Attorney Weber contacted Mr. Medina and Mr. Medina states that he received \$2,000 from conservatee and an additional \$1,400 is due at this time for actual work performed. Mr. Medina indicates he is willing to finish job for \$6,000 or be paid \$1,400 in full satisfaction of work. Trustee states that Mr. Medina is not a licensed contractor.

- ii. Trustee has contacted a licensed contractor who has provided an estimate in amount of \$24,600 for repairs to property (see red tab in file).
- e. Trustee states that Norman V. Howard (grandson of conservatee) and Norman A. Howard (son of conservatee) are storing vehicles, equipment, guns, and miscellaneous tools and equipment of conservatee on their properties. Norman V. Howard resides in Yermo, CA. Norman A. Howard resides in Mount Carmel, UT).

Re: Trustee Frank Stewart's accounting

2. Accounting covers period 6/18/08 – 12/18/09.
3. Assets on hand \$27,285.72 cash, \$837,168.15 brokerage account, 4 parcels of real property and water rights (no value placed on real property or water rights).
4. Trustee accounts for cash in bank accounts and accounting balances.
5. Trustee does not account for brokerage account. Balance in brokerage account at beginning of account was \$865,683.93 and at end of account \$837,168.15. Does court wish to require trustee to account for assets held in brokerage account? JTD.

Re: Compliance Review re Conservator W.A. Hlavaty

1. Declaration filed by conservator on 4/28/10 indicates that conservatee resided at Budget Inn Motel with caregivers provided by Heritage Senior Care, Inc. on duty 7 days a week from 9:00 a.m. until 9:00 p.m. to assist conservatee. Additionally conservator requested the manager of the motel to contact him should conservatee leave the motel alone or with someone other than the caregivers. Conservator has located a duplex, moved conservatee into it, and arranged for furniture for conservatee. Caregivers are with conservatee 7 days a week, 24 hours a day, with 2 caregivers taking shifts of 3 to 4 days. The premises are secure with entrance and exit alarms on the front and rear doors. Additionally there is a 4 foot chain link fence surrounding the duplex and the gates are secured with chains and padlocks to which only the caregivers have keys.
2. Need Order Appointing Conservator and Letters of Conservatorship.

RECOMMENDATION:

Court's discretion.

Court may wish to set hearing for Compliance Review for **9/16/10** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c).

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900015

CASE NAME: NORMAN NICHLOS HOWARD

SEE ALSO 17 & 19 & 20

HEARING:
Accounting Review

NORMAN VANCE HOWARD
NORMAN NICHLOS HOWARD
LAVERNE DEE DRONYK
YOLANDA FLORES-BURT
DIANE RUETHER
W.A. HLAVATY
FRANK STEWART

COUNSEL:
(PCR)...JEANNE KENNEDY
(PCE)...YOLANDA FLORES-BURT
(PCR)...YOLANDA FLORES-BURT
(PET)...YOLANDA FLORES-BURT
(CPE)...PRO/PER
(SC)...THOMPSON & COLEGATE
(OBJ)...JOHN F WEBER

See notes previous page.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900015

CASE NAME: NORMAN NICHLOS HOWARD

SEE ALSO 17 & 18 & 20

HEARING:
Accounting Review

	COUNSEL:
NORMAN VANCE HOWARD	(PCR)...JEANNE KENNEDY
NORMAN NICHLOS HOWARD	(PCE)...YOLANDA FLORES-BURT
LAVERNE DEE DRONYK	(PCR)...YOLANDA FLORES-BURT
YOLANDA FLORES-BURT	(PET)...YOLANDA FLORES-BURT
DIANE RUETHER	(CPE)...PRO/PER
W.A. HLAVATY	(SC)...THOMPSON & COLEGATE
FRANK STEWART	(OBJ)...JOHN F WEBER

VACATED – ACCOUNTING FILED – SEE NOTES NEXT PAGE.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900015

CASE NAME: NORMAN NICHLOS HOWARD

SEE ALSO 17 & 18 & 19

HEARING:
FIRST ACCT AND REPORT OF CO-COSNERVATORS Account and Report of
LAVERNE DEE DRONYK, DIANE RUETHER and Petition for allowance of
fees filed.

	COUNSEL:
NORMAN VANCE HOWARD	(PCR)...JEANNE KENNEDY
NORMAN NICHLOS HOWARD	(PCE)...YOLANDA FLORES-BURT
LAVERNE DEE DRONYK	(PCR)...YOLANDA FLORES-BURT
YOLANDA FLORES-BURT	(PET)...YOLANDA FLORES-BURT
DIANE RUETHER	(CPE)...PRO/PER
W.A. HLA VATY	(SC)...THOMPSON & COLEGATE
FRANK STEWART	(OBJ)...JOHN F WEBER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First Acct & Report Of Co-Conservators
Petition for allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Period of accounting 10/15/09 – 3/22/10.
2. Petitioners state that there are no assets to account for as all conservatee's assets are held in a trust established by conservatee and that all of conservatee's bills and expenses were considered and paid by Frank Stewart, Trustee, from the income and assets held in the trust for the benefit of conservatee.

Per trust accounting of Frank Stewart the amount of \$10,025.33 was distributed to co-conservators (\$7,839.19 to Laverne Dronyk; \$2,186.14 to Diane Ruether). Does court wish to have co-conservators account for funds received from Trust? JTD.

3. Petitioners waive any and all fees.
4. Need notice of hearing served on conservatee.

RECOMMENDATION:

Need notice and Court's discretion re Note 2. If approved, set hearing re final discharge for **6/23/11**.

(fhl)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900166

CASE NAME: MARGARET R. SIMMONS

SEE ALSO 22

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of ROBERT L SIMMONS

COUNSEL:

ROBERT L SIMMONS	(CPE)...	PRO/PER
MARGARET R SIMMONS	(CEP)...	

GENERAL INFORMATION:

Continued from 5/13/10. No appearance.

THIS CASE IS SET FOR HEARING ON Compliance Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Conservatorship of person and estate granted 10/1/09, no bond as estate qualified for waiver pursuant to Pr.C. §2323 at the time.
2. Need notice of conservatee's rights.
3. Care plan filed.
4. Final inventory & appraisal, including proof of service and instructions for objection, filed.
5. Court Investigator 6 month report filed.
6. It appears conservatee's residence has been sold. Appears bond in amount of \$116,000 may be required.

RECOMMENDATION:

Need notice of conservatee's rights; then Court's discretion.
(fhl/gls)

FUTURE HEARINGS:

12/09/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900166

CASE NAME: MARGARET R. SIMMONS

SEE ALSO 21

HEARING:
Hearing Re: OSC RE: SUFFICIENCY OF BOND

	COUNSEL:
ROBERT L SIMMONS	(CPE)...PRO/PER
MARGARET R SIMMONS	(CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re sufficiency of bond

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Conservatorship (person and estate) issued 10/1/09. Court also granted 2590 powers including the power of sale without confirmation by the court.
2. A Partial No. 1 and Final Inventory was filed setting forth real and personal property for a total conservatorship estate value of \$105,965.58.
3. A subsequent Notice of opening bank account was filed 12/11/09 showing \$99,353.13 cash was deposited (presumably from the sale of the conservatee's residence). It appears bond is required in the amount of \$116,000 would be required, or alternatively, an order blocking the conservatorship estate funds. JTD

RECOMMENDATION:
Court's discretion.
(gls)

FUTURE HEARINGS:
12/09/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: PRO PS0800804

CASE NAME: THE MILLIS FAMILY TRUST

SEE ALSO 24

HEARING:
Hearing Re: POST-MEDIATION REPORT

	COUNSEL:
BARBARA HERNANDEZ	(STE)...SHEASBY, CHO & MIDDLETON
CARL MILLIS	(MITCHELL I ROTH)...MITCHELL

COMPANION FILE= CONPS0900093.

No notes – Post-Mediation Report

FUTURE HEARINGS:
9/30/10 Readiness Calendar
10/05/10 Hearing Re: COURT TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: PRO PS0800804

CASE NAME: THE MILLIS FAMILY TRUST

SEE ALSO 23

HEARING:
Motion Re: MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT, ETC
Filed by Petitioner BARBARA HERNANDEZ

	COUNSEL:
BARBARA HERNANDEZ	(STE)...SHEASBY, CHO & MIDDLETON
CARL MILLIS	(MITCHELL I ROTH)...MITCHELL

COMPANION FILE= CONPS0900093.

No notes – Judge to decide

FUTURE HEARINGS:
9/30/10 Readiness Calendar
10/05/10 Hearing Re: COURT TRIAL

Superior Court of Calif, County of San Bernardino

Page: 25

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS00580

CASE NAME: NTR OF STACY ANN GEBHART

SEE ALSO 26

HEARING:

waiver of Account and Report of JUDY ANN CHRISTENSEN and
Petition for allowance of fees filed.

COUNSEL:

STACY ANN GEBHART	(CEP)...
JUDY ANN CHRISTENSEN	(CPE)...ROGER VON KAESBORG
JAMES MICHAEL GEBHART SR	(CPE)...JOHN M RAGER
INLAND COUNTIES REGIONAL CENTE	(PET)...BRUNICK MCELHANEY & BECKETT

GENERAL INFORMATION:

Continued from 4/15/10. Court is advised conservator now wants fees. Attorney von Kaesborg to supplement petition to include fee request.

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner requests waiver of account for period 5/1/03 – 4/15/10 as estate falls within criteria set forth in Pr.C. §2628.
2. No request for fees by petitioner. Question whether petitioner is waiving fees. **Supp: Petitioner requests the court to reserve the issue of fees for a later time.**
3. Attorney requests fees in amount of \$1,875.00 and reimbursement of filing fee in amount of \$355 for a total request of \$2,230.00. Fees are itemized and show 7.5 hours billed at \$250/hour. JTD.
4. Need current Court Investigator report.

RECOMMENDATION:

Need current CI report. If approved, set next Accounting Review for **04/21/11**.
Accounting/Waiver of Accounting to be filed 30 days in advance.
(fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS00580

CASE NAME: NTR OF STACY ANN GEBHART

SEE ALSO 25

HEARING:

FIRST Account and Report of INLAND COUNTIES REGIONAL CENTER INC
and Petition for allowance of fees filed.

COUNSEL:

STACY ANN GEBHART	(CEP)...
JUDY ANN CHRISTENSEN	(CPE)...ROGER VON KAESBORG
JAMES MICHAEL GEBHART SR	(CPE)...JOHN M RAGER
INLAND COUNTIES REGIONAL CENTE	(PET)...BRUNICK MCELHANEY & BECKETT

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance
of Fees filed by IRC, trustee of the special needs trust

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 7/1/96 – 12/31/09
2. Assets on hand: \$335,747.34 (cash)
3. Petitioner requests approval of fees already taken in the amount of \$21,103.81. Billed at .75% annually (7/1/96-5/31/06) and 2% annually when petitioner's fee schedule was revised and increased. Generally itemized.
4. Petitioner requests authority to continue taking future annual fees of \$875/year for the first \$50,000 and 2% of trust assets for assets over \$50,000 up to \$250,000. JTD
5. Attorney requests fees of \$1,110.11. Billed at \$125-\$165/hour for attorney time. Itemized. JTD
6. Petitioner holds the balance of cash in pooled investments. Question whether it is diversified into accounts that are bound by F.D.I.C. limits? File verified supplement to clarify.

RECOMMENDATION:

RFA subject to note 6. If approved, set next accounting review for **6/23/11**. Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/17/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS00952

CASE NAME: IN THE MATTER OF DAVID PEEK

HEARING:

FOURTH Account and Report of WILLIAM PEEK and Petition for allowance of fees filed.

COUNSEL:

DAVID PEEK	(CEP)...
WILLIAM PEEK	(SC)...KELLER & KELLER
MEDICAL CENTER	(TP)...SUSAN G KOONTZ

GENERAL INFORMATION

Continued from 1/11/10, 2/18/10, 4/1/10 and 5/6/10 at request of counsel. At 4/1/10, Counsel stated new addresses for service have been obtained.

THIS CASE SET FOR HEARING ON Petition for Fourth Account and Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period covers 4/18/08 – 11/17/09 (19 months).
2. Assets on hand \$0.
3. All funds received in this conservatorship estate come from conservatee's SNT and is directed to the convalescent home at the direction of Medi-Cal for share of costs.
4. Conservator waives fees.
5. Most recent Court Investigator report filed 07/16/09.
6. Need notice of hearing and proof of service.

RECOMMENDATION:

RFA subject to notice. If approved, Court may wish to set the next hearing re Accounting Review for **01/24/11** or a biennial Accounting Review for **01/23/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(cbr/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **MISC.**

DATE: 06/17/10 TIME: 1:30 DEPT: S34P

CASE#: PRO PS0900366

CASE NAME: SAM DOPPIERI & ROSEMARY DOPPIERI REV. TRUST

HEARING:
Court Trial set for PETITION TO COMPEL ACCOUNTING of TIRSA
DOPPIERI

TIRSA DOPPIERI	COUNSEL:
SALVADOR ANTONI DOPPIERI& ROSE	(PET)...PRO/PER
ROSEMARY DOPPIERI	(TRU)... (OBJ)...LAW OFFICE OF H JOHN KHOUKAZ

No notes – Court Trial